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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,870	03/30/2004	Akira Maruyama	02-116	2438
23400	7590	03/01/2005		
POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			EXAMINER KIM, CHRISTOPHER S	
			ART UNIT 3752	PAPER NUMBER

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/811,870	Applicant(s) MARUYAMA, AKIRA	
	Examiner Christopher S. Kim	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,10,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,10,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The response filed December 17, 2004 is acknowledged.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 1, 3-5, 7, 10, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dewitt et al. (5,657,929).

Regarding claims 1, 3, 5, 7, 10, 17 and 18, Dewitt et al. discloses a washer nozzle 34, 74, 32 comprising: nozzle body including a first body part 68 and a second body part 36, 72; at least one outlet 72; a check valve 40, 58; a filter 76; a spring 62; a resilient annular O-ring 78. In claim 10, the term "formed integrally" has been considered to define the filter and the portion of the nozzle body to be a complete unit.

Regarding claims 1 and 4, Dewitt et al. discloses a washer nozzle 34, 74, 32 comprising: nozzle body including a first body part (the part of 72 having the filter 76) and a second body part (the part of 72 having the check valve 40); at least one outlet 72; a check valve 40, 58; a filter 76.

The term "nozzle" in the preamble does not differentiate applicant's claimed invention from Dewitt because Dewitt discloses all the claimed structural limitations.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, 7, 10, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewitt et al. (5,657,929).

Regarding claims 1, 3, 5, 7, 10, 17 and 18, Dewitt et al. discloses a washer nozzle comprising: nozzle body including a first body part 68 and a second body part 36, 72; at least one outlet 72; a check valve 40, 58; a filter 76; a spring 62; a resilient annular O-ring 78. In claim 10, the term "formed integrally" has been considered to define the filter and the portion of the nozzle body to be a complete unit.

Regarding claims 1 and 4, Dewitt et al. discloses a washer nozzle comprising: nozzle body including a first body part (the part of 72 having the filter 76) and a second body part (the part of 72 having the check valve 40); at least one outlet 72; a check valve 40, 58; a filter 76.

The term "nozzle" does not necessarily define a terminal end element. Nozzles can be found within a fluid system, e.g. non-terminus venturi nozzles, but if applicant believes that the term "nozzle" in the preamble breathes life and meaning into the claim and additionally defines his invention to be a terminal element, the claims are rejected under 35 U.S.C. 103 as being obvious. It would have been obvious to one having ordinary skill in the art at the time the invention was made to elements 34, 74 and 32 in

one piece, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

Response to Arguments

6. Applicant's arguments filed December 17, 2004 have been fully considered but they are not persuasive.

Applicant argues that Dewitt does not disclose the nozzle of claim 1 because the check valve and filter of Dewitt is in the valve 34. Element 34 of Dewitt can be considered a washer nozzle because it has a discharge opening which discharges fluid into hose 74 and also meets the structural limitations as set forth in the claims.

Even if the claims require the nozzle to be a terminal element, making the housing 72, hose 74 and washer means 32 in one piece would make Dewitt's valve 34 a terminal element, i.e. a nozzle.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher S. Kim
Primary Examiner
Art Unit 3752

CK